

**Amendments to the Claims:**

This listing of claims below is believed to accurately reproduce the pending claims as presently amended.

**Listing of Claims:**

1. **(Currently amended)** A tunable optical filter for transmitting light in a band of wavelengths centered about a bandpass wavelength that is tunable over a second wider band, comprising:

first and second reflectors held in substantially parallel alignment and separated by a variable air gap;

a partitioned cavity including a first dielectric layer on the first reflector, the variable air gap and a second dielectric layer on the second reflector, said partitioned cavity having an effective optical thickness substantially equal to an integral multiple of one half the bandpass wavelength and having an effective refractive index ( $n_{\text{eff}}$ ) greater than ~~two~~<sup>one</sup>, said first and second dielectric layers each having an optical thickness less than one fourth of the shortest wavelength within the second wider band; and

a tuning mechanism for moving at least one of said reflectors to vary the air gap and tune the bandpass wavelength, said filter having an associated transmission spectrum which shifts to shorter wavelengths as the angle of incidence ( $\theta$ ) of light impinging on the filter increases from normal incidence, said partitioned cavity arranged such that the magnitude of said shift for a given  $\theta$  is less than it would be for a filter having a cavity consisting solely of an air gap.

2. **(Withdrawn)** The tunable optical filter of claim 1, wherein said first and second reflectors each comprise a quarter-wave stack including a plurality of layers of alternating high and low refractive index each having an optical thickness equal to one fourth of a reference wavelength within the second wider band.

3. **(Withdrawn)** The tunable optical filter of claim 2, wherein said first and second dielectric layers each comprise the same material as the high refractive index layer in the quarter-wave stack.

4. **(Withdrawn)** The tunable optical filter of claim 1, wherein said first and second reflectors each comprise a metal film.
5. **(Withdrawn)** The tunable optical filter of claim 1, wherein said first and second reflectors each comprise a gradient index rugate reflector having continuously modulated refractive index.
6. **(Original)** The tunable optical filter of claim 1, wherein said first and second dielectric layers are of equal optical thickness.
7. **(Original)** The tunable optical filter of claim 6, wherein said first and second dielectric layers each comprise a single material having a constant refractive index throughout its thickness.
8. **(Withdrawn)** The tunable optical filter of claim 1, wherein said first and second dielectric layers each comprise a gradient index layer having a refractive index that varies monotonically from a low value proximate the air gap to a high value proximate the reflector.
9. **(Withdrawn)** The tunable optical filter of claim 8, wherein said filter also transmits light at wavelengths in a fixed band of wavelengths outside of the second wider band.
10. **(Original)** The tunable optical filter of claim 1, wherein said partitioned cavity has an effective optical thickness equal to one half the bandpass wavelength.
11. **(Currently amended)** The tunable optical filter of claim 1, wherein the variable air gap has an optical thickness less than one half the bandpass wavelength, ~~said partitioned cavity having an effective refractive index greater than one.~~
12. **(Original)** The tunable optical filter of claim 1, wherein the tuning mechanism comprises one of a piezoelectric, electrostatic or electromagnetic actuator.

13. **(Withdrawn)** A tunable optical filter, comprising: first and second reflectors held in substantially parallel alignment and separated by a variable air gap to transmit light in a first band of wavelengths centered about a bandpass wavelength that is tunable over a second wider band; a first dielectric layer on the first reflector, and a second dielectric layer on the second reflector, said first and second dielectric layers each having an optical thickness less than one fourth wavelength the shortest wavelength within the second wider range.
14. **(Withdrawn)** The tunable optical filter of claim 13, wherein said first and second reflectors each comprise one of (a) a quarter-wave stack including a plurality of layers of alternating high and low refractive index or (b) a gradient index rugate reflector having continuously modulated refractive index.
15. **(Withdrawn)** The tunable optical filter of claim 14, wherein said first and second dielectric layers each comprise a single material having a constant refractive index throughout its thickness.
16. **(Withdrawn)** The tunable optical filter of claim 15, wherein said first and second dielectric layers each comprise the same material as the high refractive index layer in the quarter-wave stack.
17. **(Withdrawn)** The tunable optical filter of claim 14, wherein said first and second dielectric layers each comprise a gradient index layer having a refractive index that varies monotonically from a low value proximate the air gap to a high value proximate the reflector.
18. **(Withdrawn)** The tunable optical filter of claim 17, wherein said filter also transmits light at wavelengths in a fixed band of wavelengths outside of the second wider band.
19. **(Withdrawn)** The tunable optical filter of claim 13, wherein said partitioned cavity has an effective optical thickness equal to one half the bandpass wavelength and the variable air gap has an optical thickness less than one half the bandpass wavelength to

define a lowest order filter, said partitioned cavity having an effective refractive index greater than one.

20. **(Withdrawn)** A tunable optical filter for transmitting light in a first band of wavelengths centered about a bandpass wavelength that is tunable over a second wider band, comprising: an optical substrate; a first reflector on said optical substrate; a first dielectric layer on a top surface of said first reflector; a second reflector; a second dielectric layer on a bottom surface of said second reflector; and a tuning mechanism on the optical substrate that holds said second reflector in substantially parallel alignment with said first reflector and separated by an air gap to form a lowest order filter, said air gap being variable to tune the first band over the second wider band, said first and second dielectric layers each having an optical thickness less than one fourth wavelength of the shortest wavelength within the second wider band.
21. **(Withdrawn)** The tunable optical filter of claim 20, wherein said first dielectric layer, the variable air gap and the second dielectric layer define a partitioned cavity having an effective optical thickness substantially equal to one half the bandpass wavelength and having an effective refractive index greater than one.
22. **(Withdrawn)** The tunable optical filter of claim 21, wherein said first and second reflectors each comprise one of (a) a quarter-wave stack including a plurality of layers of alternating high and low refractive index or (b) a gradient index rugate reflector having continuously modulated refractive index.
23. **(Withdrawn)** The tunable optical filter of claim 22, wherein said first and second dielectric layers each comprise a single material having a constant refractive index throughout its thickness.
24. **(Withdrawn)** The tunable optical filter of claim 23, wherein said first and second dielectric layers each comprise the same material as the high refractive index layer in the quarter-wave stack.

25. **(Withdrawn)** The tunable optical filter of claim 22, wherein said first and second dielectric layers each comprise a gradient index layer having a refractive index that varies monotonically from a low value proximate the air gap to a high value proximate the reflector.
26. **(Withdrawn)** The tunable optical filter of claim 25, wherein said filter also transmits light at wavelengths in a fixed band of wavelengths outside of the second wider band.
27. **(Previously presented)** The tunable optical filter of claim 1, wherein said filter is arranged such that said bandpass wavelength is tunable within a range of 3-12 microns.
28. **(Previously presented)** The tunable optical filter of claim 1, wherein said filter is arranged such that said bandpass wavelength is tunable within a range of 8-12 microns.
29. **(Canceled)**
30. **(Currently amended)** A tunable optical filter for transmitting light in a band of wavelengths centered about a bandpass wavelength that is tunable within a range of 3-12 microns, comprising:
- first and second reflectors held in substantially parallel alignment and separated by a variable air gap;
- a partitioned cavity including a first dielectric layer on the first reflector, the variable air gap and a second dielectric layer on the second reflector, said partitioned cavity having an effective optical thickness substantially equal to an integral multiple of one half the bandpass wavelength and having an effective refractive index greater than two, said first and second dielectric layers each having an optical thickness less than one fourth of the shortest wavelength within said range of 3-12 microns~~the second wider band~~; and
- a tuning mechanism for moving at least one of said reflectors to vary the air gap and tune the bandpass wavelength, said filter having an associated transmission spectrum which shifts to shorter wavelengths as the angle of incidence ( $\theta$ ) of light impinging on the filter increases from normal incidence, said partitioned cavity arranged such that the magnitude of

said shift for a given  $\theta$  is less than it would be for a filter having a cavity consisting solely of an air gap.